

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company to Determine Violations of Public Utilities Code Section 451, General Order 112, and Other Applicable Standards, Laws, Rules and Regulations in Connection with the San Bruno Explosion and Fire on September 9, 2010.

Investigation 12-01-007  
(Filed January 12, 2012)

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

Public Utilities (Pub. Util.) Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the 12-month deadline for its resolution is January 12, 2013.

In this proceeding, evidentiary hearings were scheduled after adequate time for all parties to conduct discovery and prepare written testimony on a range of complex and technical issues. Four weeks of evidentiary hearings have been scheduled during September and October of 2012. Currently, post hearing

opening briefs are due to be filed 10 days following the conclusion of hearings.<sup>1</sup> Several parties have requested an extension of time to at least 30 days to file briefs, noting both the need to coordinate their recommendations in this proceeding with those in related investigation proceedings and the volume of the record.<sup>2</sup>

To the extent that 10 days is inadequate time for the preparation of briefs on a voluminous and complex record, the interests of parties could be prejudiced. However, an extension of time for briefing may not be feasible if the January 12, 2013 deadline is to be met. Therefore, an extension of the statutory deadline is reasonable to allow for the conclusion of the evidentiary hearings, adequately provide for post hearing briefing, and to issue a decision on the case.<sup>3</sup> The extension is also necessary because of the possibility that one of the parties would file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure or that a Commissioner will file a request for review of the decision within the 30-day period provided for such requests in Rule 14.4(b). Because of these

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<sup>1</sup> *Assigned Commissioner and Administrative Law Judge's Joint Scoping Memo and Ruling and Notice of Hearings*, March 13, 2012.

<sup>2</sup> Tr. PHC-2, at 42-43. No party objected to the requested extension of time.

<sup>3</sup> The Administrative Law Judge (ALJ) should set a revised briefing schedule consistent with this decision.

circumstances, we conclude that it is appropriate to extend the 12-month deadline in this case to January 12, 2014.<sup>4</sup>

**Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

**Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Mark Wetzell is the assigned ALJ in this proceeding.

**Findings of Fact**

1. This proceeding was initiated on January 12, 2012.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary in order to conclude the scheduled evidentiary hearings, provide fair opportunity for post hearing briefing, and to issue a decision on this case. The extension is also necessary to provide the parties time to decide whether to file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and allow any Commissioner to decide whether

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<sup>4</sup> We extend the deadline by 12 months as a matter of standard practice. We expect the ALJ to establish a revised schedule that provides for the resolution of this proceeding as soon as possible.

to request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

**Conclusions of Law**

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to January 12, 2014.

2. This order should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended to January 12, 2014.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.